

IN RE: PETITION FOR SPECIAL EXCEPTION	* BEFORE THE
NEC Bellona Avenue and Bellona	
Lane	* ZONING COMMISSIONER
8415 Bellona Lane	
8th Election District	* OF BALTIMORE COUNTY
3rd Councilmanic District	
Williard Hackerman, Legal Owner	* Case No. 96-8-X
American PCS, L.P., Lessee	
Petitioner	*
	* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 8415 Bellona Lane, in Ruxton. The Petition is jointly filed by Williard Hackerman, property owner and Margaret Ruggieri, Esquire, on behalf of American PCS, Limited Partnership (hereinafter called "APC") Contract/Lessee. Special exception relief is requested for approval of a wireless transmitting and receiving facility, pursuant to Section 1B01.1.C.20 of the Baltimore County Zoning Regulations (BCZR). The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Exception.

Appearing at the public hearing held for this case were Michael Burke and Debbie Meaney on behalf of APC. Also present on behalf of that corporation was Robert Morelock from Daft, McCune and Walker, the engineering firm who prepared the site plan. The Petitioner was represented by David Gildea, Esquire. There were no Protestants or other interested persons present.

Proffered testimony and evidence presented is that the subject site is located at 8415 Bellona Lane, not far from Charles Street and the Baltimore Beltway (I-695). The property is improved with a large apartment building, known as the Ruxton Towers. This is a familiar landmark in the Towson area and is well known to this Zoning Commissioner. The Ruxton Towers apartment

ORDER RECEIVED FOR FILING

Date 8/16/95
By M. Howard

MICROFILMED

is visible from the Beltway and from points both east and west. APC is in the business of wireless communication. This is yet another in a series of cases that have come before this Zoning Commissioner for consideration. Those cases have all involved Petitions for Special Exception and/or Variance related to the construction of wireless transmitting facilities. In some cases, APC has requested approval to construct a monopole. More often requests have been made for the installation of antenna on existing structures, such as is the case here.

As is the case with all cellular providers, the company proposes constructing an interconnected grid of antennas to establish a cellular communication network. These antennas will be strategically placed to cover an established geographic area. A mobile user of the network will then be handed off from one cell grid to another to ensure continuous communication capability. APC not only offers mobile telephone service but also fax and other data transmission. Exhibits were shown which shows that antennas were necessary in this location to primarily serve that portion of the Baltimore Beltway which is located nearby.

The Petitioner also submitted an environmental impact statement in support of the Petition. (Petitioner's Exhibit No. 2) This statement concludes that there will be no detrimental affect of the surrounding locale of the proposed use. Another exhibit submitted (Petitioner's Exhibit No. 3) contains most of the details relating to the project, including a discussion of the antennas and their impacts and effects.

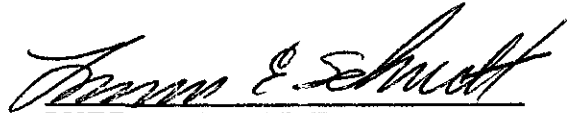
Based on the testimony and evidence presented, all of which is uncontradicted, I am persuaded to grant the Petition for Special Exception. It is clear that the proposed use will not have any adverse impact to the surrounding locale and meets the standards set forth in both Sec-

tions 502.1 and 502.7 of the BCZR. Thus, the Petition for Special Exception shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16th day of August, 1995 that, pursuant to the Petition for Special Exception, approval to allow a wireless transmitting and receiving facility in a D.R.16 zone, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

CLERK RECEIVED FOR FILING
Date 8/16/95
By M. Noah

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 14, 1995

Margaret Ruggieri, Esquire
American PCS, L.P.
One Democracy Center
6901 Rockledge Dr., Suite 600
Bethesda, Maryland 20817

RE: Case No. 95-482-X
Petition for Special Exception
American PCS, L.P., Lessee
TABCO Towers Associates, L.P., Legal Owner

Dear Ms. Ruggieri:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Ms. Debbie Meaney/Mr. Michael Burke
cc: David Gildea, Esquire
cc: Robert Morelock, Daft, McCune and Walker

MICROFILMED



05



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8415 Bellona Lane

which is presently zoned DR 16

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a wireless transmitting and receiving facility pursuant to 1B01.1.C.20

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract # _____ / Lessee:

MARGARET RUGGIERI FOR
American PCS, L.P.

(Type or Print Name)

Signature

One Democracy Center

6901 Rockledge Drive, Suite 600

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.

Whiteford, Taylor & Preston

(Type or Print Name)

Signature

500 Court Towers

210 W. Pennsylvania Ave. 832-2000

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

Legal Owner(s):

Willard Hackerman

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1 Slade Avenue

Address

484-2818

Phone No.

Baltimore, MD 21208

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Robert E. Morelock

Daft-McCune-Walker, Inc.

Name

200 E. Pennsylvania Ave, Towson 296-3333

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE: _____

Zoning Administration
& Development Management

MICROFILMED

05

Description
To Accompany Petition for Special Exception
4.78 Acre Parcel
Part of the Willard Hackerman Property
Northeast Side of Bellona Lane
Northwest Side of Bellona Avenue
Eighth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the northeast side of Bellona Lane, 50 feet wide, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Bellona Lane with the centerline of Bellona Avenue (1) North 04 degrees 50 minutes 10 seconds West along said centerline of Bellona Lane 68 feet, more or less, and thence (2) North 85 degrees 09 minutes 50 seconds East 25 feet to the point of beginning, thence leaving said beginning point and binding on said northeast side of Bellona Lane (1) North 04 degrees 50 minutes 10 seconds West 1074.45 feet, thence leaving said lane (2) North 87 degrees 29 minutes 30 seconds East 115.58 feet to the southwest side of the Baltimore Beltway - Charles Street Interchange, thence binding on the southwest and northwest sides of the said interchange, the four following courses and distances, viz: (3) South 41 degrees 35 minutes 20 seconds East 169.84 feet, thence (4) South 12 degrees 44 minutes 00 seconds East 288.14 feet, thence (5) South 08 degrees 33 minutes 30 seconds West 651.35 feet, and thence (6) South 47 degrees 10 minutes 20 seconds West 74.42 feet to intersect the northwest side of Bellona Avenue, thence binding thereon the two following courses and distances viz: (7) South 86 degrees 03 minutes 20

seconds West 17.00 feet, and thence (8) North 49 degrees 08 minutes 20 seconds West 43.21 feet to the point of beginning; containing 4.78 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 5, 1995

Project No. 94161.36 (L94161.36)



96-8-X

Signature _____
Number of Signs: 1

1917-18

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 88-8-X
(Item 5)

8418 Bellona Lane
NEO Bellona Avenue and
Bellona Lane

6th Election District

3rd Councilmanic

Legal Owner(s):

Willard Hackerman

Lessee:

American PCS, L.P.

Hearing: Tuesday

August 5, 1998 at 2:00

p.m. in Rm. 106, County Of-

fice Building

Special Exception for a
wireless transmitting and re-
ceiving facility.

LAWRENCE B. SORMIDT

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible for special ac-
commodations. Please Call
887-3383.

(2) For information concern-
ing the file and/or hearing, please
call 887-3381.

7/198 July 20.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on

THE JEFFERSONIAN,

A. H. Henrichson
LEGAL AD. - TOWSON

Realtor

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. *ITEM# 05*
BY JLL
003629

DATE *7/6/95* ACCOUNT *R0016150*
AMOUNT *\$370.00*

RECEIVED FROM: *American PCS. LP.*

FOR: *Special exception filing \$30.00 + Signs \$70.00*
8415 Bellona Dr. *\$370.00*
BA 0010:03A07-06-95

VALIDATION OR SIGNATURE OF CASHIER
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Gwen SIGNS
1 ON EARTH RD.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 05

Petitioner: AMERICAN PCS, L.P.

Location: 8415 BELLONA LANE, TOWSON MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: AMERICAN PCS, L.P. ATTN: MARGARET RUGGIERI

ADDRESS: ONE DEMOCRACY CENTER
6901 ROCKLEDGE DRIVE, SUITE 600

BETHESDA, MD 20817

PHONE NUMBER: (301) 214-9283

AJ:ggs

(Revised 04/09/93)

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
July 20, 1995 Issue - Jeffersonian

Please forward billing to:

American PCS, L.P.
Margaret Ruggieri
One Democracy Center
6901 Rockledge Drive, Suite 600
Bethesda, MD 20817
301-214-9283

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-8-X (Item 5)
8415 Bellona Lane
NEC Bellona Avenue and Bellona Lane
8th Election District - 3rd Councilmanic
Legal Owner(s): Williard Hackerman
Lessee: American PCS, L.P.
HEARING: TUESDAY, AUGUST 8, 1995 at 2:00 p.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 17, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-8-X (Item 5)

8415 Bellona Lane

NEC Bellona Avenue and Bellona Lane

8th Election District - 3rd Councilmanic

Legal Owner(s): Williard Hackerman

Lessee: American PCS, L.P.

HEARING: TUESDAY, AUGUST 8, 1995 at 2:00 p.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon

Director

Department of Permits and Development Management

cc: Willard Hackerman
Robert E. Morelock/Daft-McCune-Walker, Inc.
American PCS, L.P.
G. Scott Barhight, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 1, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave.
Towson, Maryland 21204

RE: Item No.: 05
Case No.: 96-8-X
Petitioner: W. Hackerman

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
July 19, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #005 - Wireless T/R Facility
8415 Bellona Lane
Zoning Advisory Committee Meeting of July 17, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Air Quality

The site must comply with ANSI Standard C95.1-1982 at all times, including during reasonable roof access for maintenance/custodial personnel. We recommend that Caution/Warning signs be placed at all roof access doors.

JLP
JLP:SR:sp

c: D. Filbert
S. Reekie

WIRELESS/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/17/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION OF JULY 17, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 01, 03, 04, 05, 06 & 08.5

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

Hal Kassoff
Administrator

7-12-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 005 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 24, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 24, 1995
Items 004, 005, 006 and 008³

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

MICROFILMED


96-8-X
8/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 26, 1995

FROM: Pat Keller, Director 
Office of Planning and Zoning

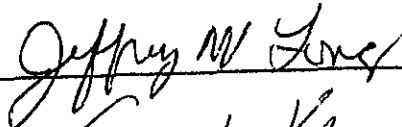
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

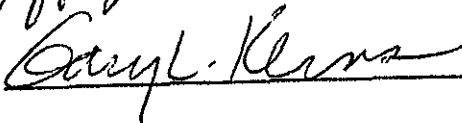
Item Nos. 483, 485, 5 and 7

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:



Division Chief:



PK/JL

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: July 6, 1995

TO: Hearing Officer

FROM: John L. Lewis
Planner II, PDM

SUBJECT: Item #5
8415 Bellona Lane

Advised of DRC requirement for development status. Applicant advised me that Environmental Impact Statement to be provided at hearing.

JLL:scj

RECEIVED

PETITION PROBLEMS AGENDA OF

#1 --- JLL

1. No sign fee paid (see receipt).

#2 --- RT

1. Receipt is for special exception (\$300); petition is for special hearing (\$250) -- Which one is correct?
2. Special hearing petition says to amend special exception case. Case number given (82-52-SPHA) is for special hearing and variance. What are they amending -- special hearing or a special exception?
3. Need authorization for person signing for legal owner.
4. Zoning on petition says B.R.-A.S.; folder says B.R.-C.N.S. Which one is correct?
5. Who signed for attorney? Do they have authorization?

#3 --- JJS

1. No zoning on petition form.

#5 --- JLL

1. Need authorization for person signing for lessee.
2. Who signed for attorney? Do they have authorization?

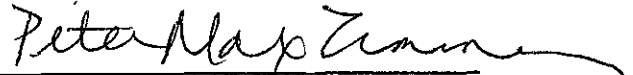
MICROFILMED

2 RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
8415 Bellona Lane, NEC Bellona Avenue and * ZONING COMMISSIONER
Bellona Lane, 8th Election District, *
3rd Councilmanic * OF BALTIMORE COUNTY
Legal Owner: Williard Hackerman *
Lessee: American PCS, L.P. * CASE NO. 96-8-X
Petitioners *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.



PETER MAX ZIMMERMAN

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

MICHAEL BURKE

1110 N. GLEBE RD., STE 800, ARLINGTON, VA

BOB MORELOCK

DMW, 200 E. PENNA. AVE., TOWSON

Debbie Meaney

1110 N Glebe Rd, Suite 800
Arlington VA



Environmental Impact Statement

American PCS, L.P./Lutherville Site

August 1995

Project No. 94161.36

Prepared for:
American PCS, L.P.
One Democracy Center, Suite 600
6901 Rockledge Drive
Bethesda, MD 20817

Prepared by:
DMW Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286

**PETITIONERS
EXHIBIT NO. 1**



**American Personal
Communications**

**AMERICAN PERSONAL COMMUNICATIONS (APC)
HEARING BEFORE THE BALTIMORE COUNTY
ZONING COMMISSIONER
August 8, 1995**

TABLE OF CONTENTS

1. Lease Agreement with The Claridge Towers Company
2. Photographs of 8415 Bellona Lane
3. Photographs and Specification Sheets for Antennas
4. Photograph and Specification Sheets for Equipment Cabinets
5. FCC License
6. FCC Adopts ANSI EMF Regulations
7. Radio Frequency Statement - Jules Cohen
8. FCC Statement on PCS - Creating Significant Benefits for Consumers and Business
9. FCC's Chairman, Reed Hundt, Speech Excerpts

**PETITIONER'S
EXHIBIT NO. 3**

RECORDED

IN RE: PETITION FOR SPECIAL EXCEPTION
NEC Bellona Avenue and Bellona
Lane
8415 Bellona Lane
8th Election District
3rd Councilmanic District
Willard Hackerman, Legal Owner
American PCS, L.P., Lessee
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-8-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a petition for Special Exception for the property located at 8415 Bellona Lane, in Ruxton. The Petition is jointly filed by Willard Hackerman, property owner and Margaret Ruggieri, Esquire, on behalf of American PCS, Limited Partnership (hereinafter called "APC") Contract/Lessee. Special exception relief is requested for approval of a wireless transmitting and receiving facility, pursuant to Section 1B01.1.C.20 of the Baltimore County Zoning Regulations (BCZR). The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Exception.

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Based on the testimony and evidence presented, all of which is uncontradicted, I am persuaded to grant the Petition for Special Exception. It is clear that the proposed use will not have any adverse impact to the surrounding locale and meets the standards set forth in both Sec-

- 2 -

tions 502.1 and 502.7 of the BCZR. Thus, the Petition for Special Exception shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16th day of August, 1995 that, pursuant to the Petition for Special Exception, approval to allow a wireless transmitting and receiving facility in a D.R.16 zone, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
JUL 21 1995
JUL 21 1995
JUL 21 1995

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

August 14, 1995

(410) 887-4386

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

Margaret Ruggieri, Esquire
American PCS, L.P.
One Democracy Center
6901 Rockledge Dr., Suite 600
Bethesda, Maryland 20817

RE: Case No. 95-482-X
Petition for Special Exception
American PCS, L.P., Lessee
TABCO Towers Associates, L.P., Legal Owner

Dear Ms. Ruggieri:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

cc: Ms. Debbie Meaney/Mr. Michael Burke
cc: David Gildea, Esquire
cc: Robert Morelock, Daft, McCune and Walker

Printed with Soybean Ink
on Recycled Paper

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 18 Date of Posting: 7/19/95
Posted for: David E. Frazier
Petitioner: Robert Morelock
Location of property: 8415 Bellona Lane, NE of Bellona Ave.
Location of Sign: Along the highway on property being zoned
Remarks: See attached map and photos of property
Posted by: Lawrence E. Schmidt Date of return: 7/21/95
Number of Signs: 1



Petition for Special Exception

to the Zoning Commissioner of Baltimore County
for the property located at 8415 Bellona Lane
which is presently zoned DR 16

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a wireless transmitting and receiving facility pursuant to 1B01.1.C.20

Property is to be posted and advertised as prescribed by Zoning Regulations. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Contract: Margaret Ruggieri
MARGARET RUGGIERI FOR
American PCS, L.P.
One Democracy Center
6901 Rockledge Drive, Suite 600
Bethesda, MD 20817

By: G. Scott Barhight
G. Scott Barhight, Esq.
Whiteford, Taylor & Preston
Towson, MD 21204

500 Court Towers
210 W. Pennsylvania Ave. 832-2000
Towson, MD 21204

Legal Owner(s):
Name, Address and phone number of representative to be contacted.

Willard Hackerman
Type of Firm: Individual
Signature: Willard Hackerman
(Type or Print Name)

Slade Avenue 484-2818
Baltimore, MD 21208

Robert E. Morelock
Daft-McCune-Walker, Inc.
200 E. Pennsylvania Ave. 296-3333
Towson, MD 21204

RECOMMENDED FOR USE ONLY
STANDARD LENGTH OF HEARING
the following date: Next Two Months
ALL OTHER DATE
REVIEWED BY: DATE

Zoning Administration
& Development Management

Page 1 of 2

Description To Accompany Petition for Special Exception

4.78 Acre Parcel

Part of the Willard Hackerman Property

Northeast Side of Bellona Lane

Northwest Side of Bellona Avenue

Eighth Election District, Baltimore County, Maryland



Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
410 296 3333
Fax 410 296 3705

A Type of Land Survey
Landscape Architect
Engineer, Surveyor or
Environmental Professional

Beginning for the same on the northeast side of Bellona Lane, 50 feet wide, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Bellona Lane with the centerline of Bellona Avenue (1) North 04 degrees 50 minutes 10 seconds West along said centerline of Bellona Lane 68 feet, more or less, and thence (2) North 85 degrees 09 minutes 50 seconds East 25 feet to the point of beginning, thence leaving said beginning point and binding on said northeast side of Bellona Lane (1) North 04 degrees 50 minutes 10 seconds West 1074.45 feet, thence leaving said lane (2) North 87 degrees 29 minutes 30 seconds East 115.58 feet to the southwest side of the Baltimore Beltway - Charles Street Interchange, thence binding on the southwest and northwest sides of the said interchange, the four following courses and distances, viz: (3) South 41 degrees 35 minutes 20 seconds East 169.84 feet, thence (4) South 12 degrees 44 minutes 00 seconds East 288.14 feet, thence (5) South 08 degrees 33 minutes 30 seconds West 651.35 feet, and thence (6) South 47 degrees 10 minutes 20 seconds West 74.42 feet to intersect the northwest side of Bellona Avenue, thence binding thereon the two following courses and distances viz: (7) South 86 degrees 03 minutes 20

seconds West 17.00 feet, and thence (8) North 49 degrees 08 minutes 20 seconds West 43.21 feet to the point of beginning; containing 4.78 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 5, 1995

Project No. 94161.36 (L94161.36)



Page 2 of 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 21, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 20, 1995.

THE JEFFERSONIAN,
LEGAL AD. - TOWSON

By: Lawrence E. Schmidt

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 104 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on August 14, 1995 at 10:00 A.M. for the purpose of receiving testimony and recommendations for the proposed use of the property.
Case #96-8-X
Site #
8415 Bellona Lane
NE of Bellona Avenue and Bellona Lane
8th Election District
3rd Councilmanic District
Legal Owner(s)
Willard Hackerman
Lessee
American PCS, L.P.
Margaret Ruggieri
One Democracy Center
6901 Rockledge Drive, Suite 600
Bethesda, Maryland 20817
Special studies for a wireless transmitting and receiving facility.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
JUL 21 1995

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. ITEM# 05
BYULL
003629

DATE 7/6/95 ACCOUNT Revenue

AMOUNT \$ 370.00

RECEIVED FROM American PCS, L.P.

FOR: Special Permitting filing \$30.00 + Legal \$70.00
8415 Bellona Lane
8415 BELLONA LANE, TOWSON, MD 21204
BA 0010403607-06-95 \$370.00

VALIDATION OR SIGNATURE OF CASHIER

Gwen Signs
1 on EARTH RD.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Call John
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 05

Petitioner: AMERICAN PCS, L.P.

Location: 8415 BELLONA LANE, TOWSON MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: AMERICAN PCS L.P. ATTN: MARGARET RUGGIERI
ONE DEMOCRACY CENTER
6901 ROCKLEDGE DRIVE, SUITE 600
PETHESPA, MD 20817

ADDRESS: 6901 ROCKLEDGE DRIVE, SUITE 600
PETHESPA, MD 20817

PHONE NUMBER: (301) 214-9283

AJ:ggg (Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-8-X (Item 5)
8415 Bellona Lane
NEC Bellona Avenue and Bellona Lane
8th Election District - 3rd Councilmanic
Legal Owner(s): Willard Hackerman
Lessee: American PCS, L.P.
HEARING: TUESDAY, AUGUST 8, 1995 at 2:00 p.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility.

For newspaper advertising:

Item No.: 05

Petitioner: AMERICAN PCS, L.P.

Location: 8415 BELLONA LANE, TOWSON MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: AMERICAN PCS L.P. ATTN: MARGARET RUGGIERI
ONE DEMOCRACY CENTER
6901 ROCKLEDGE DRIVE, SUITE 600
PETHESPA, MD 20817

ADDRESS: 6901 ROCKLEDGE DRIVE, SUITE 600
PETHESPA, MD 20817

PHONE NUMBER: (301) 214-9283

AJ:ggg (Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-8-X (Item 5)
8415 Bellona Lane
NEC Bellona Avenue and Bellona Lane
8th Election District - 3rd Councilmanic
Legal Owner(s): Willard Hackerman
Lessee: American PCS, L.P.
HEARING: TUESDAY, AUGUST 8, 1995 at 2:00 p.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility.

Call John
ARNOLD JABLON, DIRECTOR
Department of Permits and Development Management

cc: Willard Hackerman
Robert E. Murrell/Draft-McCormack, Inc.
American PCS, L.P.
G. Scott Barlight, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

August 1, 1995

G. Scott Barlight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave.
Towson, Maryland 21204

RE: Item No.: 05
Case No.: 96-8-X
Petitioner: W. Hackerman

Dear Mr. Barlight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management July 19, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #005 - Wireless T/R Facility
8415 Bellona Lane
Zoning Advisory Committee Meeting of July 17, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Air Quality

The site must comply with ANSI Standard C95.1-1982 at all times, including during reasonable roof access for maintenance/custodial personnel. We recommend that Caution/Warning signs be placed at all roof access doors.

Call John
JLP:SR:sp

cc: D. Filbert
S. Reekie

WIRELESS/DEPRM/TXTSHP

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 07/17/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION OF JULY 17, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 01, 03, 04, 05, 06 & 08.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Maryland Department of Transportation
State Highway Administration

7-12-95
Re: Baltimore County
Item No: 005 (JLL)

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

TO: Arnold Jablon, Director DATE: July 24, 1995
Zoning Administration and Development Management

FROM: *File* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 24, 1995
Items 004, 005, 006 and 008³

RWB:SW

PK/JL

JLL:sc

1. Need authorization for person signing for lessee.
2. Who signed for attorney? Do they have authorization?

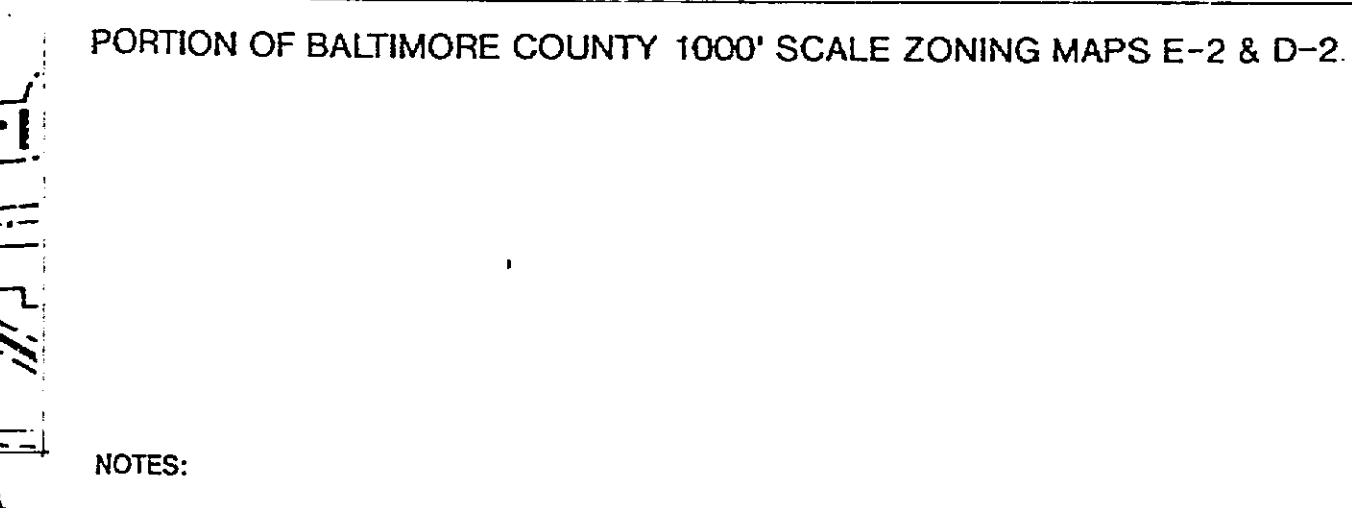
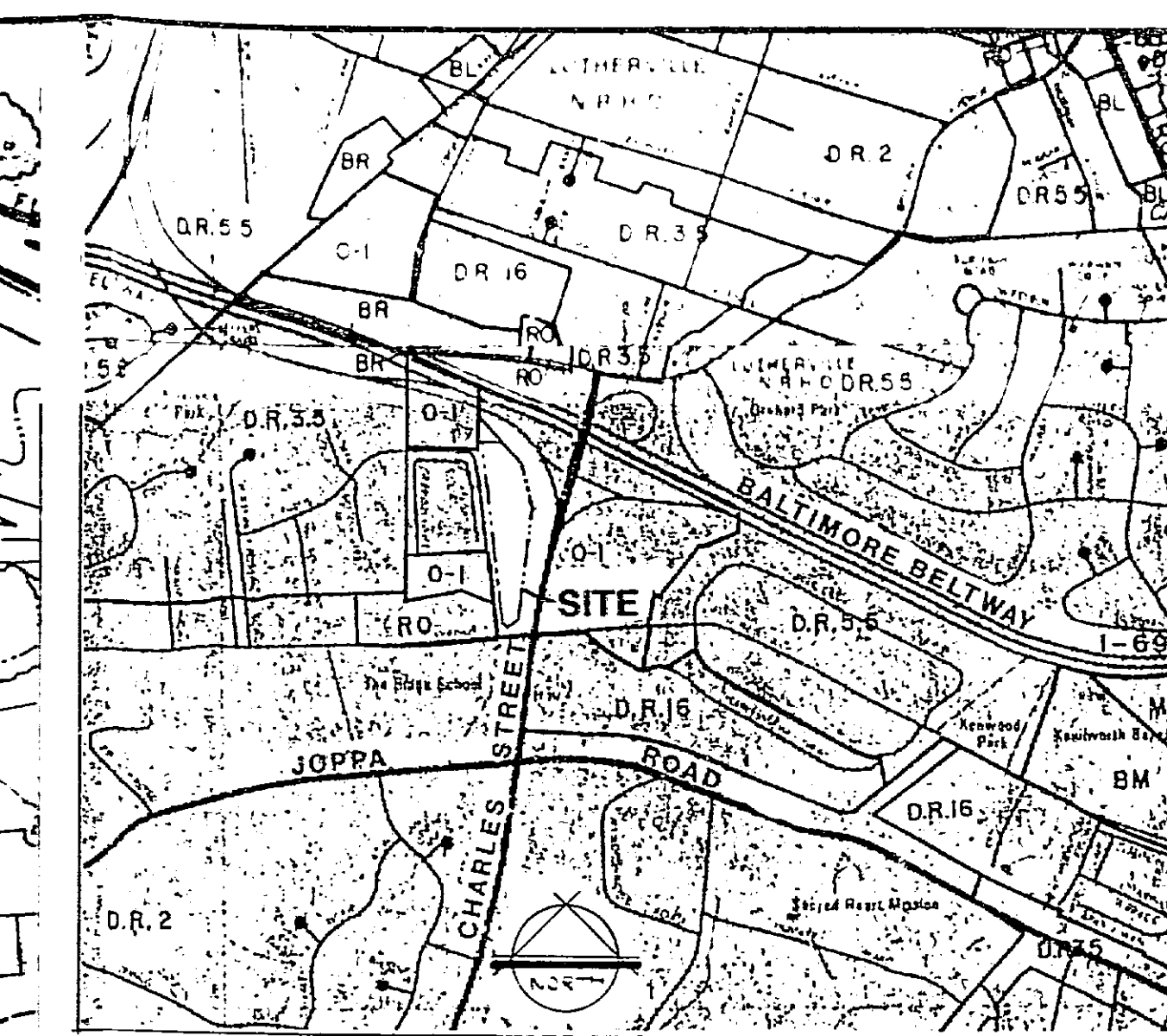
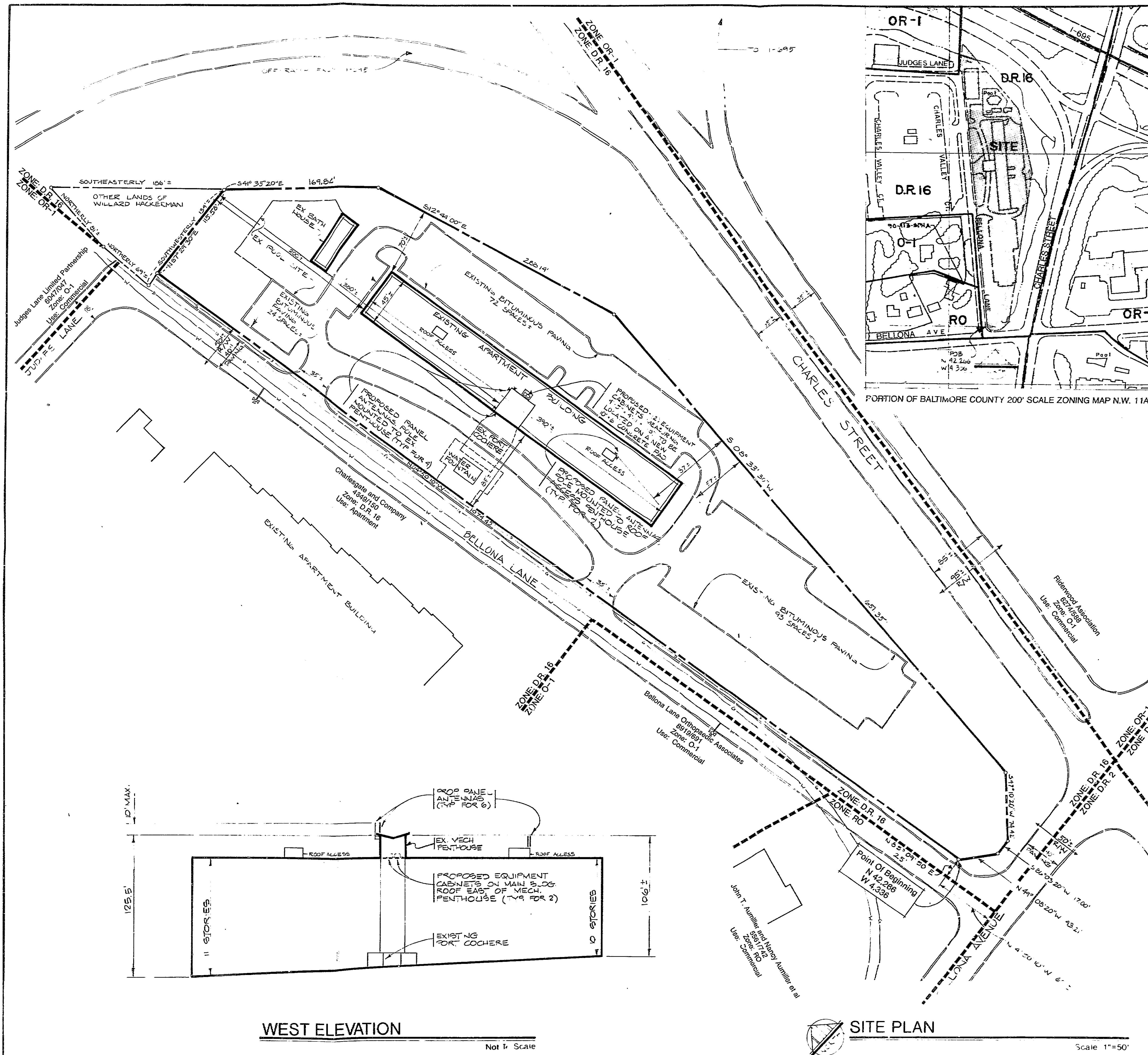
Peter Max Zimmerman
PETER MAX ZIMMERMAN

1110 N Glebe Rd Suite 800

Prepared by:
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286

1. Lease Agreement with The Claridge Towers Company
2. Photographs of 8415 Belflona Lane
3. Photographs and Specification Sheets for Antennas
4. Photograph and Specification Sheets for Equipment Cabinets
5. FCC License
6. FCC Adopts ANSI EMF Regulations
7. Radio Frequency Statement - Jules Cohen
8. FCC Statement on PCS - Creating Significant Benefits for Consumers and Business
9. FCC's Chairman, Reed Hundt, Speech Excerpts

2212 Old Court Road, Baltimore, MD 21208-3432 (410) 625-4220 FAX: (410) 821-8630
One Democracy Center, 6901 Rockledge Drive, Suite 600, Bethesda, MD 20817 (301) 214-9200 FAX: (301) 214-9490
1-800-TALK-APC



- NOTES:
- Current owner and street address: Willard Hackerman, 1 Slade Avenue, Baltimore, MD 21208
 - Contract lessee/ Petitioner: American PCS, L.P., One Democracy Center, 6801 Rockledge Drive, Suite 600, Bethesda, MD 20817
 - Site area: 4.78 Ac.±
 - Existing use: High-rise apartments
 - Site Address: 8415 Bellona Lane, Towson, MD 21204
 - Site data: Tax map 60, block 23, parcel 521; Deed reference: 5954742; Tax Account No. 09-0903371952; Zoning: D.R. 16; Election District: 8; Councilmanic District: 3
 - The proposed wireless transmitting and receiving facility will consist of (6) 53.3' high x 6.3' wide x 2.7' deep panel antennas pole mounted to the existing penthouses and (2) equipment cabinets installed inside the existing mechanical penthouse.
 - No new or additional water or sanitary utilities are required for the proposed wireless transmitting and receiving facility.
 - The information and boundary location shown herein have been compiled from deeds, plats, and other sources believed to be reliable; however their accuracy is not guaranteed and is subject to revision.
 - Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times. An Environmental Impact Statement will be provided at the hearing.
 - No lights are proposed for the wireless transmitting and receiving facility.
 - There are no signs proposed for this facility.
 - Setbacks: Non-residential principal structure in a D.R. 16 zone pursuant to §1801.2.C.1.a

	Required	Provided to building	Provided to wireless facility
Front:	30'	85'±	65'±
Side (north):	25'	200'±	380'±
Rear:	30'	57'±	67'±
 - Amenity open space: N/A
 - Parking: Proposed Spaces: 0
 - The proposed wireless transmitting and receiving facilities do not block or affect any existing parking spaces.
 - This site was the subject following permits:

494-73
739-73
923-73
25-74


Requested Zoning Action
Special Exception pursuant to BCZR §1801.1.C.20 to permit a wireless transmitting and receiving facility in a D.R. 16 zone.

Attorney: G. Scott Barnhart, Whiteford, Taylor, & Preston, 500 Court Towers, 210 West Pennsylvania Avenue, Towson, MD 21204-4515, (410) 832-2000

PRINTED JUL 5 1995 EASTMERE WALKER INC.

DMW
Duff McKee Walker, Inc.
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
200 E. Pennsylvania Avenue
Towson, Maryland 21206
(410) 294-5333
Fax: 294-4755

American Personal Communications
Site Plan to Accompany Special Exception Petition
Lutherville Site BAN 69
8th Election District

No.	Description	Date			
REVISIONS					
Proj. No.		94161.36			
Date		JUL 5 1995			
Scale		As Shown			
Last Rev.					
					
Sheet					
1 OF 1					